



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on August 8, 2006

Date of Meeting: June 27, 2006

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:39 p.m. on Tuesday, June 27, 2006, all members having been notified of the time and place thereof.

1. ROLL CALL

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

Present:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Steve Leal	Vice-Mayor, Council Member Ward 5
Nina J. Trasoff	Council Member Ward 6
Robert E. Walkup	Mayor

Absent/Excused: None

Staff Members Present:

Mike Hein	City Manager
Michael Rankin	City Attorney
Kathleen S. Detrick	City Clerk
Mike Letcher	Deputy City Manager

Kathleen S. Detrick, City Clerk, announced Susie Rogers would be assisting with anyone in the audience needing Spanish language translation for items listed on the agenda.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Reverend Kati Houts, Water of Life Metropolitan Community Church, after which the pledge of allegiance was presented by the entire assembly.

Presentations:

- a. Mayor Walkup presented a proclamation endorsing and supporting the implementation of a new National Agenda for Urban Parks and Recreation. Fred Gray, Director of Parks and Recreation accepted the proclamation.
- b. Mayor Walkup presented an “Extraordinary Doctor and Citizen” award to Dr. Herbert K. Abrams to honor his work in public health. Council Member Trasoff said she would personally deliver the award to the family’s residence, as they were unable to attend the presentation.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 327, dated June 27, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow members of the Council to report on current events and asked if there were any reports.

- a. Council Member Trasoff thanked everyone who attended the “Go Green” Open House. There were twenty-five exhibitors on all aspects of environmental health, safety and sustainability and more than two hundred people were in attendance. Council Member Trasoff also announced an open house reception to be held at the Ward 6 office on June 28, 2006, for seven local artists whose works would be adorning the walls in one of the community rooms. Additionally, Council Member Trasoff acknowledged the Dia De San Juan Festival held June 24, 2006. She said it was an extraordinary festival and she thanked Council Member Ibarra.

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Walkup announced City Manager’s communication number 328, dated June 27, 2006, would be received into and made a part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Walkup announced City Manager's communication number 329, dated June 27, 2006, would be received into and made a part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. New License

1. Fas Fuel, Ward 3
3601 N. Oracle Rd.
Applicant: Muhammad Shafiq Rana
Series 10, City 52-06
Action must be taken by: July 8, 2006
Staff has indicated the applicant is in compliance with city requirements.
This Item was continued from the Mayor and Council meeting of June 20, 2006.

Considered separately.

2. Carrabba's Italian Grill #9, Ward 2
7575 E. Broadway Blvd.
Applicant: Amy S. Nations
Series 12, City 50-06
Action must be taken by: July 6, 2006
Staff has indicated the applicant is in compliance with city requirements.
3. Cafe Paraiso, Ward 6
820 E. University Blvd.
Applicant: Ray Gene Easterbrook
Series 12, City 53-06
Action must be taken by: July 10, 2006
Staff has indicated the applicant is in compliance with city requirements.
4. Fry's Food & Drug #58, Ward 5
2001 E. Irvington Rd.
Applicant: Stephen Michael McKinney
Series 09, City 54-06
Action must be taken by: July 14, 2006
Staff has indicated the applicant is in compliance with city requirements.
5. Fry's Signature Store #90, Ward 4
8080 S. Houghton Rd.
Applicant: Stephen Michael McKinney
Series 09, City 55-06
Action must be taken by: July 14, 2006
Staff has indicated the applicant is in compliance with city requirements.

6. Fry's Food & Drug #33, Ward 4
7050 E. Golf Links Rd.
Applicant: Stephen Michael McKinney
Series 09, City 56-06
Action must be taken by: July 14, 2006
Public Opinion: Protest Filed
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.

7. Circle K Store #2912, Ward 1
2405 N. Silverbell Rd.
Applicant: Kim Kenneth Kwiatkowski
Series 09, City 57-06
Action must be taken by: July 14, 2006
Staff has indicated the applicant is in compliance with city requirements.

8. Sushi King, Ward 3
1800 E. Fort Lowell Rd. #116
Applicant: Shoichi Seki
Series 12, City 59-06
Action must be taken by: July 17, 2006
Staff has indicated the applicant is in compliance with city requirements.

Person Transfer

9. Ramada Inn & Suites Foothills, Ward 2
6944 E. Tanque Verde Rd.
Applicant: Dilip B. Patel
Series 07, City 58-06
Staff has indicated the applicant is in compliance with city requirements.
Considered separately.

c. Special Event

There are no applications for special events scheduled for this meeting.

d. Agent Change

1. Radisson Suites Tucson, Ward 2
6555 E. Speedway Blvd.
Applicant: Alicia Margarita Wiley
Series 11, City AC13-06
Action must be taken by: July 15, 2006
Staff has indicated the applicant is in compliance with city requirements.

It was moved by Council Member Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license applications 5b2 through 5b5, 5b7, 5b8 and 5d1 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

1. Fas Fuel, Ward 3
3601 N. Oracle Rd.
Applicant: Muhammad Shafiq Rana
Series 10, City 52-06
Action must be taken by: July 8, 2006
Staff has indicated the applicant is in compliance with city requirements.
This Item was continued from the Mayor and Council meeting of June 20, 2006.

Kathleen S. Detrick, City Clerk, announced Item 5b1, a request for a new license, would be considered separately. She said staff indicated the applicant was in compliance, however, Council Member Uhlich requested the item be considered separately.

Council Member Uhlich asked the applicant to come forward. She thanked the applicant for meeting with her earlier that afternoon. She noted that she was not inclined to support new applications for licenses in Ward 3 due to the high number of licenses already on file. However, the applicant had advised her that this location had a liquor license which lapsed for a period of months, so he needed to apply for a new license rather than a license transfer.

Council Member Uhlich acknowledged that she and Mr. Rana spoke about his training and commitment to appropriate utilization of the license. She said she appreciated Mr. Rana's responsible participation in the process and she wished him success with his business in Ward 3.

It was moved by Council Member Uhlich, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b1 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. New License

6. Fry's Food & Drug #33, Ward 4
7050 E. Golf Links Rd.
Applicant: Stephen Michael McKinney
Series 09, City 56-06
Action must be taken by: July 14, 2006
Public Opinion: Protest Filed
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced Item 5b6, a request for a new license, would be considered separately. She said staff indicated the applicant was in compliance with requirements, however a protest had been filed.

Council Member Scott asked if the protestor was in the audience and would like to make any remarks as to what the protest pertained to.

No one came forward.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b6 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Person Transfer

9. Ramada Inn & Suites Foothills, Ward 2
6944 E. Tanque Verde Rd.
Applicant: Dilip B. Patel
Series 07, City 58-06
Staff has indicated the applicant is in compliance with city requirements.

Kathleen S. Detrick, City Clerk, announced Item 5b9, a request for a person transfer, would be considered separately. She said staff indicated the applicant was in compliance however, Council Member West requested the item be considered separately.

Council Member West confirmed with the applicant that only wine and beer would be sold. She said she met with Mr. Patel the day before the June 27, 2006 Mayor and Council meeting. As previously discussed in their meeting, she mentioned a zoning violation at the property. She stated as Mr. Patel was the new owner, he was not aware of the violation. She said Mr. Patel agreed that within the next six months, he would install a wall at the back of the property.

Council Member West said her office would work with Mr. Patel. Mr. Patel confirmed that he would cooperate.

It was moved by Council Member West, duly seconded, and carried by a voice vote of 7 to 0, that liquor license application 5b9 be forwarded to the Arizona State Liquor Board with a recommendation for approval.

6. CONSENT AGENDA – ITEMS A THROUGH Q

Mayor Walkup announced the reports and recommendations from the City Manager on the Consent Agenda Items would be received into and made a part of the record. He asked the City Clerk to read the Consent Agenda.

- A. FINAL PLAT: (S05-242) COSTA DEL SOL CONDOMINIUMS, UNITS 101 TO 144 AND 201 TO 244, LIMITED COMMON ELEMENTS B AND P1 TO P88 AND COMMON ELEMENT “A”
 - 1. Report from City Manager JUNE 27-06-335 WARD 6
 - 2. The City Manager recommends that the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- B. LIBRARY: NOTICE OF THE CITY’S DESIRE TO JOIN THE PIMA COUNTY FREE LIBRARY DISTRICT
 - 1. Report from City Manager JUNE27-06-346 CITY-WIDE & OUTSIDE CITY
 - 2. Resolution No. 20372 relating to libraries; authorizing notice to the Pima County Board of Supervisors of City of Tucson’s desire to join the Pima County Free Library District; and declaring an emergency.
- C. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH THE PIMA COUNTY FREE LIBRARY DISTRICT
 - 1. Report from City Manager JUNE27-06-348 CITY-WIDE
 - 2. Ordinance No. 10300 relating to real property; authorizing and approving the Lease Agreements between the City of Tucson and the Pima County Free Library District for the Tucson City Library Branches; and declaring an emergency.

D. TUCSON CODE: REPEALING (CHAPTER 18) RELATING TO LIBRARIES

1. Report from City Manager JUNE27-06-347 CITY-WIDE
2. Ordinance No. 10299 relating to libraries; repealing Chapter 18, Libraries, consisting of Sections 18.1 through 18.9 of the Tucson Code; and declaring an emergency.

E. FINANCE: WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE

1. Report from City Manager JUNE27-06-336 CITY-WIDE
2. Resolution No. 20373 relating to finance; authorizing the write-off of certain uncollectible accounts, and declaring an emergency.

F. FINANCIAL PARTICIPATION AGREEMENT: WITH TUCSON YOUTH DEVELOPMENT FOR YOUTH EMPLOYMENT SERVICES

1. Report from City Manager JUNE27-06-337 CITY-WIDE
2. Resolution No. 20374 relating to Financial Participation Agreements; authorizing and approving the FY 2007 Financial Participation Agreement with Tucson Youth Development for Youth Employment Services with the City of Tucson; and declaring an emergency.

G. PROFESSIONAL SERVICES: RENEWAL OF CONTRACT WITH SACKS TIERNEY LAW FIRM FOR REPRESENTATION ON WATER ISSUES

1. Report from City Manager JUNE27-06-338 CITY-WIDE AND OUTSIDE CITY
2. Resolution No. 20375 relating to professional services; approving an Agreement with Sacks Tierney P.A., Lawyers, for representation on water issues; and declaring an emergency.

H. RIO NUEVO: APPROVING AN EXPENDITURE OF FUNDS BY THE RIO NUEVO MULTIPURPOSE FACILITIES DISTRICT FOR THE TUCSON ORIGINS HERITAGE PARK AND MISSION SAN AGUSTIN

1. Report from City Manager JUNE27-06-339 WARD 1
2. Resolution No. 20376 relating to the Rio Nuevo Multipurpose Facilities District; approving an expenditure of funds by the Rio Nuevo Multipurpose Facilities District for the concept design of the Mission San Agustin and Tucson Origins Heritage Park; and declaring an emergency.

I. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE JULIAN WASH LINEAR PARK

1. Report from City Manager JUNE27-06-342 WARD 4
2. Resolution No. 20377 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the design, construction, ownership, operation, and maintenance of the Julian Wash Linear Park; and declaring an emergency.

Kathleen S. Detrick, City Clerk, announced minor clerical corrections would be made to the Mayor and Council communication. She said the resolution and agreement were accurate, however on Page 2 of the communication under Financial Considerations, it indicated that the County Bond Ordinance would allocate funds to the Pantano River Park project. It should read the Julian Wash Linear Park.

J. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR INCARCERATION OF CITY PRISONERS

1. Report from City Manager JUNE27-06-341 CITY-WIDE
2. Resolution No. 20378 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the incarceration of City Prisoners, FY 07; and declaring an emergency.

K. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE PANTANO RIVER PARK

1. Report from City Manager JUNE27-06-340 WARDS 2 AND 4
2. Resolution No. 20379 relating to Intergovernmental Agreements; approving and authorizing execution of an Intergovernmental Agreement between the City of Tucson and Pima County for the design, construction, ownership, operation, and maintenance of the Pantano River Park; and declaring an emergency.

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE POSITIVE AGING FOR WOMEN CONFERENCE

1. Report from City Manager JUNE27-06-331 WARD 2

2. Resolution No. 20380 relating to Finance; authorizing and approving the transfer of five hundred dollars (\$500) from the Ward Two Council Office budget to the Community Support Fund, Account No. 001-183-1898-268 to be disbursed to the Positive Aging for Women Conference; and declaring an emergency.

This is a request by Council Member West. Allocation of funds is as follows: Council Member West - \$500.00

Considered separately at the request of Council Member Uhlich.

M. INDUSTRIAL DEVELOPMENT: AUTHORIZATION FOR THE ISSUANCE OF TUCSON INDUSTRIAL DEVELOPMENT AUTHORITY JOINT SINGLE FAMILY MORTGAGE REVENUE BONDS

1. Report from City Manager JUNE27-06-334 CITY-WIDE
2. Resolution No. 20381 relating to industrial development; approving and authorizing the issuance by the Industrial Development Authority of the City of Tucson, Arizona, of Joint Single Family Mortgage Revenue Bonds, Draw Down Series 2006, in one or more subseries, in an aggregate principal amount not to exceed \$40,000,000 in furtherance of the Joint Single Family Mortgage Revenue Bond Draw Down Program of 2006 of the Industrial Development Authority of the City of Tucson, Arizona, and the Industrial Development Authority of the County of Pima; and declaring an emergency.

N. ASSURANCE AGREEMENT: (S05-214) KILBURN TERRACE CONDOMINIUMS, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103 AND 2104, COMMON AREA "A", LIMITED COMMON AREA "B" THROUGH "H"

1. Report from City Manager JUNE27-06-343 WARD 3
2. Resolution No. 20382 relating to planning: authorizing the Mayor to execute an Assurance Agreement securing the completion of improvements required in connection with the approval in Case No. S05-214 of a final plat for the Kilburn Terrace Condominiums, A Condominium Conversion Project Subdivision, Units 1101, 1102, 1103, 2101, 2102, 2103 and 2104, Common Area "A", Limited Common Area "B" through "H"; and declaring an emergency.

O. FINAL PLAT: (S05-214) KILBURN TERRACE CONDOMINIUMS SUBDIVISION, A CONDOMINIUM CONVERSION PROJECT, UNITS 1101, 1102, 1103, 2101, 2102, 2103 AND 2104, COMMON AREA "A", LIMITED COMMON AREA "B" THROUGH "H"

1. Report from City Manager JUNE27-06-349 WARD 3

2. City Manager recommends that, after approval of the assurance agreement, the Mayor and Council approve the final plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.

P. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE ARIZONA JAZZ ACADEMY

1. Report from City Manager JUNE27-06-350 WARD 2
2. Resolution No. 20383 relating to Finance; approving and authorizing the allocation of two hundred fifty dollars (\$250) from the Community Support Fund, Account No. 001-183-1898-268, to support funding to the Arizona Jazz Academy (AJA); and declaring an emergency.

This is a request by Council Member West. Allocation of funds is as follows: Council Member West - \$250.00

Q. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE A-MOUNTAIN COMMUNITY, INC.

1. Report from City Manager JUNE27-06-352 WARD 6
2. Resolution No. 20384 relating to Finance; approving and authorizing the allocation of three hundred sixty-five dollars (\$365) from the Community Support Fund, Account No. 001-183-1898-268, to the A-Mountain Community, Inc., for construction of the "A" Mountain Flag Memorial; and declaring an emergency.

This is a request by Council Member Trasoff. Allocation of funds is as follows: Council Member Trasoff - \$365.00

It was moved by Council Member Scott, duly seconded, that Consent Agenda Items A through Q, with the exception of L, be passed and adopted and the proper action taken.

Mayor Walkup asked if there was further discussion. Upon hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Items A through Q, with the exception of L, were declared passed and adopted by a roll call vote of 7 to 0.

6. CONSENT AGENDA – ITEM L

L. FINANCE: COMMUNITY SUPPORT FUND TRANSFER FOR THE POSITIVE AGING FOR WOMEN CONFERENCE

1. Report from City Manager JUNE27-06-331 WARD 2
2. Resolution No. 20380 relating to Finance; authorizing and approving the transfer of five hundred dollars (\$500) from the Ward Two Council Office budget to the Community Support Fund, Account No. 001-183-1898-268 to be disbursed to the Positive Aging for Women Conference; and declaring an emergency.

Kathleen S. Detrick, City Clerk, said Council Member Uhlich requested Item L be considered separately.

Council Member Uhlich stated she discussed the Conference on Aging Plan with Council Member West and applauded her efforts in serving the community.

It was moved by Council Member Scott, duly seconded, that Consent Agenda Item L be passed and adopted and the proper action taken.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Consent Agenda Item L was declared passed and adopted by a roll call vote of 7 to 0.

7. CALL TO THE AUDIENCE

Mayor Walkup announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for any items scheduled for a public hearing. Speakers would be limited to three-minute presentations and the Call to the Audience was scheduled to last for thirty minutes.

- a. Michael Toney spoke about the use of herbicide on the buffelgrass on A-Mountain, his opposition to testing fire hydrants and Rio Nuevo projects.
- b. Larry Lopez, President of the Tucson Police Officers Association, spoke about the City of Tucson Compensation Plan.

- c. Dorothy Jill Moreno, an employee of the City of Tucson, spoke about the recommended City of Tucson Compensation Plan.
- d. John Thomas, an employee of the City of Tucson, spoke about the recommended City of Tucson Compensation Plan.
- e. Joe Jaimez, an employee of the City of Tucson and a member of AFSCME Local 449, spoke about the recommended City of Tucson Compensation Plan.
- f. Alan Lee, representing AFSCME International and AFSCME Local 449, spoke about the recommended City of Tucson Compensation Plan.
- g. Wanda Felix, an employee of the City of Tucson, submitted statistics and spoke about the recommended City of Tucson Compensation Plan.
- h. Linda Hatfield, representing Communication Workers Association/Tucson Association of City Employees, spoke about the recommended City of Tucson Compensation Plan.
- i. John Martinez, an employee of the City of Tucson and a member of AFSCME Local 449, spoke about the recommended City of Tucson Compensation Plan.
- j. Ries Lindley, an employee of the City of Tucson, spoke about the recommended City of Tucson Compensation Plan.
- k. Elizabeth Eberbach, an employee of the City of Tucson, spoke about the recommended City of Tucson Compensation Plan.
- l. William Mills, an employee of the City of Tucson, spoke about the recommended City of Tucson Compensation Plan.
- m. Russ Dove spoke in support of the Tucson Police Department.
- n. Robert Martinez, representing the Pima Area Labor Federation, spoke about the recommended City of Tucson Compensation Plan.

8. TUCSON CODE: ADOPTION OF THE ANNUAL COMPENSATION PLAN FOR EMPLOYEES OF THE CITY OF TUCSON FOR FISCAL YEAR 2007 (CONTINUED FROM THE MEETING OF JUNE 20, 2006)

Mayor Walkup announced City Manager's communication number 326, dated June 27, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10289 by number and title only.

It was moved by Council Member Ibarra, duly seconded, to pass and adopt Ordinance No. 10289, Option 2, with a modification to provide an additional one percent Cost of Labor adjustment, effective November 12, 2006, for all non-commissioned employees except for those already identified as highly compensated. He further moved that the City Manager be directed to make any necessary budget adjustments to fund this modification and to return to Mayor and Council as needed.

Vice Mayor Leal said the Council had an obligation to act as a corporation as they are by charter but whether they acted as a community was something they chose. He stated the Council needed to do both and to do both meant looking at equity and fairness and if done properly, they would be a community. Vice Mayor Leal noted that the funds would not come out of the personnel budget in the future or for equipment for public safety.

Council Member Ibarra confirmed that the funds were not coming out of the personnel budget.

Council Member Ibarra responded to Council Member Uhlich confirming the motion would bring the employees to a four percent raise by November 12, 2006.

Council Member Uhlich remarked the last two weeks were critical and provided an opportunity for some additional time and reflection. She stated the process and time allowed was stressful and difficult for everyone involved and applauded the City Manager and Human Resources Director for trying to pull together meaningful numbers. She commented she was in support of the motion because she believed a step could be taken without sacrificing sustainability and committed budget priorities. Council Member Uhlich said it was a modest amount of money in a rather large budget and added she was fully confident the City Manager would work with the Council to identify the needed resources. She said she was impressed with the unity among the employee groups. She heard the Tucson Police Officers' Association support the other unions and the unions reciprocate. She also heard excellent conversation with her colleagues regarding the issue and applauded the efforts toward unity and the good faith effort to do the right thing.

Council Member Scott hoped that everyone would leave the meeting more satisfied than the last few weeks. She also hoped it would bring everyone together.

Council Member Trasoff said she echoed the comments previously made. She said the last few weeks had given way for a chance to better understand each other and acknowledge the weaknesses in this year's process and to make a commitment to work together, beginning in the fall, towards next year. She stated we are all part of the City and have chosen to serve as employees in whatever capacity, as the people of this community, and she believed that has been solidified in the last couple of weeks. She said she was looking forward to moving together on behalf of the community.

Mayor Walkup said he was impressed with the call to the audience and the information provided. He heard the speakers comment on the greatness of the City and the fact that everyone considers Tucson one of the greatest cities in the country. He stated he has been throughout the country with mayors of other cities. He said Tucson was becoming a recognized leader in the country due to such dedicated employees from both the public and non-public safety side. He was concerned with the non-unification of all employees. He believed all employees were great from both sides. He supported the motion although he wished one percent for everyone, not just the public and non-public safety employees. He stated the employees were the best in the country and he believed the relationship with the principle market in Phoenix needed to be maintained. He then requested a roll call vote.

Mike Rankin, City Attorney, noted the motion required additional text in the ordinance and he stated he had the language to capture the motion which he would read for the record and later provide to the City Clerk. He said a new section would be added to Option 2 of Ordinance 10289. The new section would provide an additional one percent cost of labor adjustment for a total fiscal year adjustment of four percent and associated schedules would be implemented on November 12, 2006, for non-commissioned employees except those described in Section One of the ordinance as highly compensated. He noted the remaining sections would be renumbered accordingly and the title would be amended to reflect the additional section.

Mayor Walkup asked the City Clerk to read Ordinance No. 10289 by number and title only.

Ordinance No. 10289 relating to compensation plan; Tucson Code Chapter 10, Article II, Section 10-31, continuing the FY 2006 Compensation Plan schedules and ordinances through July 8, 2006, adopting salary schedules for Fiscal Year 2007; implementing Section 10-31; Ratifying, reaffirming and reenacting Sections 10-31(7), Providing percentages for calculation of compensation from salary schedules for employees in specified assignment positions; Section 10-33, Language communication compensation; Section 10-33.1, Providing for proficiency pay for commissioned police personnel certified as bilingual users of American Sign Language (ASL) or Spanish; Section 10-34, Incentive pay for fire prevention inspectors; Section 10-35, Fire battalion chief call back shift pay; Section 10-47, Recruiting referral compensation for police officer applicants' program; Section 10-48, Supplement to military pay; Section 10-49, holiday and BOI pay for commissioned officers of the Tucson Police Department of the position of lieutenant and assignment positions of captain and assistant chief; Section 10-53, Pipeline protection program; compensation; Section 10-53.1, Permanent and probationary city civil service employees and elected officials and appointed employees downtown allowance; Section 10-53.2, Maintenance management program, assignment and incentive pay compensation; Section 10-53.3, Career Enhancement Program (CEP) incentive pay for commissioned police personnel through rank of captain; amending Sections 10-34.1, Assignment and incentive pay for maintaining paramedic certification and working as paramedics, providing revised eligibility standards; adding Section 10-53.4, Providing additional compensation for public safety command staff; adding Section

10-53.5, Providing for honor guard assignment compensation; all as part of implementation of the Annual Compensation Plan for Fiscal Year 2007; and declaring an emergency as amended.

Mayor Walkup asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance, 10289 as amended, was declared passed and adopted by a roll call vote of 7 to 0.

9. TUCSON CODE: AMENDING (CHAPTER 10) RELATING TO EMPLOYEES SEPARATING FROM THE CITY JUNE 25 THROUGH JULY 8, 2006 (CONTINUED FROM THE MEETING OF JUNE 20, 2006)

Mayor Walkup announced City Manager's communication number 351, dated June 27, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10293 by number and title only.

Ordinance No. 10293 relating to compensation plan; Tucson Code Chapter 10, amending implementation provisions of FY2007 Compensation Plan salary schedules, providing for special implementation of schedules for purposes of payment of vacation and/or sick leave accruals to eligible separating employees and annual sell back of sick leave by eligible employees; and declaring an emergency.

It was moved by Council Member Scott, duly seconded, to pass and adopt Ordinance 10293.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10293 was declared passed and adopted by a roll call vote of 7 to 0.

10. PUBLIC HEARING: ZONING C9-06-08 PRESIDIO TERRACE – PASEO REDONDO, PAD-2 AMENDMENT, ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 332, dated June 27, 2006, would be received into and made part of the record. He also announced this was the time and place legally advertised for a public hearing to amend the requirements for approximately one acre of the seventeen-acre *La Entrada Planned Area Development* located on the northeast portion of the block bounded by Granada Avenue, Paseo Redondo, Main Avenue, and Alameda Street.

Mayor Walkup asked if the applicant or representative was present and if they had any brief comments before continuing with the public hearing.

Bob Vint, project architect, showed on scale model of the project that the location was at Lot 7, presently the parking lot for Tucson Water and the Museum of Art. He said the alliance which included his office, as well as Peggy Noonan from Presidio Terrace, L.L.C., had developed a design to fill in the vacant land with a total of eighty-one dwelling units, nine of which were to be townhouses on Main Avenue and seventy-two to be condominiums in a larger building to the west. He further described the project.

Mr. Vint stated with the in-fill development, they would begin to repair some of the loss that was suffered during urban renewal thirty-five years ago and felt the project would be a good neighbor to bring new residents to El Presidio, strengthening the neighborhood as a residential zone.

Mayor Walkup announced the public hearing was scheduled to last no more than one hour and speakers would be limited to five-minute presentations.

Evelyn Alvarez said she was affiliated with Friends of Downtown and Long Realty. She stated this was history in the making. She said Rio Nuevo had seen many incarnations. She commented that this was truly the first major Rio Nuevo development hopefully to break ground. She thought it was an inspiring design. She said it would put the project on the map even more than it was already. She said the transition between the old and the new and the incorporation with Redondo Towers was extremely impressive.

Ms. Alvarez said, as a realtor originally from New York City, she thought it was a phenomenal design and an outstanding urban project that would create density. She said much of the neighborhoods' concerns were over the history of the Fish-Stevens houses. She stated bridges needed to be gapped not only between the neighborhoods and the developer, but also between the past and the future of Tucson. She said downtown Tucson really needed a future vision and an icon that would lead the way for other developers. She mentioned another challenge was the lot size being so small. It would

require having to build up and especially in a small downtown, it was necessary to build up.

Ms. Alvarez noted that downtown Tucson, compared to other cities such as Portland, San Francisco and New York City, was extremely small. She said the land was valuable and precious and for it to be a sound project where developers would like to make some money, it would have to have a certain economy of scale. She was in support of the project.

Helen Joanne Rogers said she lived within one-hundred and fifty feet of the proposed project. She spoke in opposition of the project. She was concerned with the massive height. She said the number of units she heard at the present meeting was eighty-one; however, she was previously told ninety. She stated that number had changed from time to time. However, with eighty-one units, one parking space and one car per unit, she said it would create an additional six hundred and forty-eight trips a day. She said for anyone who used Granada, the main artery to and from downtown for not only the police, the fire and the medics, but also for people working or traveling through the City, this was a traffic jam.

Mary Lucking, a member of the El Presidio Council, thought the developers could not have come up with a more elegant, a more sensitive solution or more beautiful building and she expressed her support of the project.

Ken Scoville stated he has been involved with the El Presidio Historic District and Neighborhood for over twenty years. He stated he had done a lot of research and the history of Tucson has gone full circle. He said the project would be on a flood plain to the Santa Cruz and many people on Granada still needed flood insurance. He noted the area was cultivated fields and an agriculture corridor for Tucson. He stated that at the turn of the twentieth century it became the mansion district. In the 1960's the land use was parking lots and land banking for the future. He commented the lot was an open, vacant lot for thirty-five years.

Mr. Scoville stated he did not really oppose the project, he just thought it was too tall. He expressed his concern with the Fish-Stevens houses and their frailty during the proposed underground work for the parking and garages. He said approximately nine or ten years ago, the Fish-Stevens house almost collapsed. He was concerned with the historic preservation and stabilization of the two buildings. Another concern Mr. Scoville expressed was the last remaining fragment of Snob Hollow and the Fetter residence, torn down in 1971, was the volcanic-salt rock that runs along Main Avenue. He requested the project be rebuilt in the traditional manner including a cement seal new block with a stone veneer on top to keep the integrity of it. Mr. Scoville stated he was an advocate for in-fill housing and said it was needed for downtown. He said affordable units were not provided and as a retired teacher, he could have worked six years in the school district, had a PhD and still could not afford a house downtown. He also said the neighborhood had many density and height requirements.

Christopher Carroll stated he lived a block and a half away from the proposed project. He said his family had resided on the block of Main Avenue since 1896. He said his history with the project began in the early 1970's when he was acting director of what became the Tucson Museum of Art. He had to negotiate with the Mayor and Council of that time to save the historic buildings on that block because of a movement to tear them down. He was on the board of the Downtown Development Corporation in the early 1980's and worked on the planning of the La Entrada project including the original restoration of the Manning House and the La Entrada apartments. It also included the initial planning for the Lot 7 project. He said the original notion was to develop the entire block with retail and mixed use, with a lot of housing. He stated a big piece of it, due to a former City Manager and his desire to have the water department close at hand, was devoted to the water building.

Mr. Carroll said there have been prior proposals for building a mixed-use, highly residential development at the site. Due to the market, lack of City support and any numbers of reasons, earlier projects failed. Although he was disappointed because he spent hours and weeks on those projects, he was glad they failed. He said he spent the last two years working on the current proposed project. He was on the City committee to create the request for proposal and also to select the developer. He said what the project was promising to do was absolutely superb. He said the project, the design and the designer, a friend of his, was to die for. He was saddened with what he has seen of recent proposed designs for new developments.

Mr. Carroll stated Tucson deserved better and needed something with real imagination. He stated that the proposed project, although dense and high, would be human in scale and set back from the street in order not to appear that way. He mentioned that he and his wife Susan walk their dogs by the site almost daily and he was looking forward to walking his dogs by the proposed project and he hoped it would happen during his lifetime.

Tom Pashos, a resident just north of the intended project, said he was in opposition of the amendments being proposed. He said the amendments were doing away with the setback. He also said a lot of work was put into the *La Entrada Plan* and throughout the development, the project stayed within the height limitations. He requested the Council follow the *La Entrada Plan* and not allow the amendments to be passed. He mentioned that last year the City of Phoenix rescinded a high-rise project to be located in the Camelback Corridor due to citizen protests and water issues. He said the City of Tucson was experiencing the same water issues as the City of Phoenix.

Mr. Pashos said the high-rise would be too high and not transitioned from the twenty-five foot building to the north to a sixty-foot building. He requested the Council reduce the height for a smooth transition. He said it would produce an attractive building which he was confident Bob Vint was capable of building. He asked the Council to vote against the amendment.

Margaret Hardy, stated she lived a few blocks away from the intended project. She was happy to speak in favor of the project and the fact it was worked on for three years and finally brought before the Council for approval. She acknowledged the City staff's efforts on the project, particularly Ann Vargas, Emily Nottingham, Greg Shelko, Chris Leighton, and Marty McCune. Ms. Hardy said they provided tremendous effort and guidance. She also acknowledged Council Member Ibarra and the Ward 1 staff for their help. She pointed out the project was a contentious issue that was not without controversy and compromise. She said the developer and the architect worked with the project staff for the last three years.

Ms. Hardy mentioned she was the immediate and past president of the El Presidio Neighborhood and also for the three years she worked on the proposed project. She was also a Rio Nuevo District Board member. She believed the design presented met the request for proposal requirements that were put out two years ago. She stated Peggy Noonan and Bob Vint worked on the project diligently and did their best to meet everyone's desires and needs. She said no project could be all things to all people. She could not imagine anyone other than Bob Vint designing townhouses to go along Main Avenue in front of the Fish-Nye-Stevens houses. She knew Mr. Vint and Ms. Noonan would give great character to the buildings and were committed to continue working with the neighborhood. She hoped they would continue to compromise and bring everyone to the point that when we build the project and have the grand opening, there would be less tension.

Ms. Hardy said El Presidio was a small, noisy, yet mighty neighborhood. She said people lived in a very finite footprint in El Presidio from Alameda to St. Mary's on the north, and I-10 to Stone. She stated the area had very few residential units and the historic buildings were limited and therefore precious. She said in order to add the critical mass so that the neighborhood that was not fragile and would not disappear in a few years, the area needed projects like the one proposed. She said they worked hard to mitigate traffic and congestion issues, not just from the proposed project, but from all the revitalization. They had a plan with City staff and Jim Glock's office to downgrade Granada to three lanes and she would expect them to return to Mayor and Council once Stone was completed. They were working on those issues as well as other issues and would continue to work with staff, the Council and neighbors. She said due to staff and Council working so hard, downtown was gathering momentum with the passing of the Regional Transit Authority and the Tax Increment Funding extension and now the three projects--El Presidio Terrace, Depot Plaza and the Post.

Ms. Hardy stated downtown was at a tipping point and she believed that in the next few years it would take care of itself, which would be a great thing for those who had worked on the project for a long time. She requested the Council approve the project, to continue the momentum and to continue working on Rio Nuevo. She believed they had the best momentum since passing the Master Plan in 2000. She thanked the Council for their time and for all their help.

John Sedgwick said he was one of the owners of the Sedgwick Presidio Properties Inc., which were within one hundred fifty feet of the proposed project. The company also owned the old Sam Hughes house and he stated he owned a residence within three hundred feet of the proposed project. He said people stated the project was a terrific idea; however, he was at the meeting to oppose the height. He stated what was missing from the drawing was the rest of the neighborhood. He asked the Council to protect the last little pieces left of historic Tucson and not add another huge building. He stated the original proposal was fifty-two feet with a “heads-up” saying it might go to seventy-four feet. He asked the Council to go with the original number.

Susan Haynes said she was a local design professional and adjunct faculty member at the University of Arizona. She was interested in promoting the development of the City’s economic base and the diversification of that. She was in favor of promoting a growth pattern of the preservation of open, recreational space at the same time energizing the urban core. She made two brief arguments in support of the project in regards to density and artistry and construction. She quoted three sentences from a 1998 urban land institute publication titled, “Smart Growth.” She read, “The availability of attractive upscale housing is as important as housing affordability to a successful City center. No super successful City center has risen into population of less than twenty thousand in a one-square mile radius of the City center. This density is essential to support retail and entertainment institutions and to create a strong pedestrian presence in the evening hours all of which contribute to an attractive urban environment.”

Ms. Haynes said in order to achieve that kind of density in the City of Tucson in this environment, in the midst of important public parks, municipal buildings and office spaces, we simply have to build higher and accept some variations to current zoning standards. She said when going higher, it was even more critical to build with artistry. She noted many people have said the proposed plan and architect were exceptionally capable of creating buildings that people admire and enjoy. She said it was a great opportunity to contribute to the life of the City and the stock of the landmark architecture of the City.

Louis Barassi, a local attorney in the City of Tucson, said his interest was somewhat different than what was heard from the neighborhood. His interest was a legal and financial one. He said that approximately two months ago, he met with the Mayor and members of the City Attorney’s Office. He was concerned with the financing structure of the way the project was going to be built. He stated the attorney that did the work was polite and pleasantries were exchanged however, he left the meeting knowing nothing more than when he went in. He said Mr. Rankin did not say very much. He said if the City had not done its due diligence, he would.

Mr. Barassi hired a professional licensed private investigator who conducted a thorough background check on the finances, comportment, and litigation history of the developers. He delivered a copy to the Mayor. He used discretion in not making the document public as there was certain items in the report that were quite serious. He said the developer and/or her husband, with bankruptcy filings and numerous L.L.C’s and

corporations that were not corporations illustrated, in his view, unfit developers. He declared most of the lawsuits he reviewed were for nonpayment of bills to subcontractors. He stated if one were to do business using public property and public funds, than those members should hold the taxpayers' funds in trust. He stated criteria that should be used was that one would not do business with anybody as a member of the Council or the Mayor that one would not do business privately. He said if a contractor was hired to conduct private work and knowing that over many years the contractor had lawsuit after lawsuit for nonpayment of bills, it would be foolish to go into such an agreement. He noted the bankruptcy trustee stated the people that were filing for bankruptcy were also creditors in the same bankruptcy filing.

Mr. Barassi cautioned the Council and stated what the investigative reports revealed. He requested the investigators pull a number of the pleadings out of Phoenix, although he said there were a number of lawsuits in Tucson as well. It was his understanding that Mr. Gresham had not been paid for his fees and Mr. Vint had trouble getting his money. He said he was unaware whether Mr. Vint had been paid or not. He said when dealing with people building million-dollar projects, it was not only the design that should be viewed, one should ask if the developer has integrity, a past record, or has ever been sued.

Mr. Barassi examined many construction agreement lawsuits; however, none were for nonpayment of funds. Most disputes were over a contract revision. He said the proposed developers' lawsuits were filed for nonpayment with a stipulation at the end of the lawsuit. He said the developers were using the court to stall the payments. He again cautioned the Council before committing the property. He said once the conveyance was made, the Council would have no control over how tall the building would be or the quality and changes in design. He asked the Mayor and Council to postpone their decision until all the documents were reviewed and a real, in-depth due diligence was conducted on the developers and their backgrounds.

Steve Farley stated people disagree on whether or not they like the proposed project. He also said people put their reputation on the line to support the project and carried it out in a fabulous manner. He asked the Council, with an architect that good, a developer that committed, with approval from the neighborhood association and with such public process, how could anything else be approved if this one was not. Mr. Farley said this process went beyond a neighborhood issue. The process was associated with the entire City's future and whether or not people could thrive in the community and region. He asked how the City was going to grow and if the Council could not approve the project, then how serious were they about downtown revitalization. He noted the historic activity downtown needs restoration and the proposed project will make that happen.

Mr. Farley asked how serious people were about reducing urban sprawl, preserving the Sonoran Desert, and conserving water. He said the Council needed to show they were serious about putting more activity on the streets. He stated developers needed to be shown that it was okay to create a project that was a lot harder than building a cookie-cutter subdivision. He said it would be better for the community on how well the

community would thrive in the upcoming century. He said the process should be easier for developers to do the right thing, like the proposed project. Mr. Farley said the proposed project was done in the right way, and he strongly encouraged the Council to support it and to do whatever it took to make sure the project was completed. He added it was a model for how the City would grow in the future.

Judy Dare, a former resident of the West University Historic District and currently a downtown resident, spoke in favor of the development. She supported in-fill development. She was concerned about the mixed housing and mixed income housing. She said the proposed project does not include that. She was also concerned with the water issue and the affordability of the units. She noted she did a great deal of volunteer work with Habitat for Humanity for approximately eight years. She said the subject of affordable housing, using mixed housing and trying to encourage mixed housing was an important issue. She asked the developer and architect to review the density and the height of the proposed project and to possibly incorporate more affordable housing.

Vernie Aikins, manager of the Redondo Tower Apartments, spoke in support of the proposed project along with over half of the residents of the Redondo Apartments. He said the support showed that people wanted to live downtown. He mentioned the Redondo Apartments stayed full all year and there was currently a waiting list. He stated downtown needed more housing. He again spoke in favor of the project.

Patty Toci, a property owner and a caretaker, spoke in favor of the proposed project. She said she lived at the Julius Chrisnet house for twenty-seven years and at a bed and breakfast for the last eighteen years. As an innkeeper, she said she hosted guests from all over the world. She said the guests chose to stay at the old adobe because of the history. She was in favor of the in-fill, the architect and the whole idea of not having a parking lot, however, she remarked the building would be too tall and would cast a shadow on Main Avenue which was the heart, soul and core of the El Presidio Historic District.

Ms. Toci said with the great talents in the City, the number of vaulted ceilings could be reduced. She hoped the project would be redone to reduce the height. She said the concerns of the streetscape have to do with height, color and depth. She agreed with a previous speaker in stating the proposed project was a beautiful rendering of the streetscape, however it only showed the large buildings. She said the City was kind enough in helping with trees and landscape medians. She hoped the City would continue to grow and revive and that the historic buildings would remain. She said their character could be changed and diminished by tall buildings casting shadows.

Kimberly Parsons, a resident of the Redondo Tower Apartments, said she fully supported the development of the El Presidio Terrace project.

Brian McCarthy read the following statement, "Mr. Mayor, members of the Council, thank you for the opportunity to speak on this issue tonight. Many people more knowledgeable than I have spoken or will speak tonight, so I will be brief. My name is

Brian E. McCarthy and I live at 1030 North Euclid Avenue. This residence is located within the West University Historic District and I am the President of the West University Historic District and I am the President of the West University Neighborhood Association. I am speaking on behalf of that group. There is much to be said on both sides, but some points stand out. The *La Entrada Area Plan* was enacted with much thought and consideration. It should not be jettisoned so that some developer can make a few extra dollars. When the developer acquired the property, she was aware of the restrictions in the area plan. She stated they would have no trouble building in the fifty to seventy foot range. She should be held to that statement. The building is too tall. A smaller building would accomplish the same objectives and fit better in the area. It has been said that the Neighborhood Association approved this plan perhaps, but with the important caveat which has not been mentioned. Ms. Noonan was asked to negotiate on height and density and she has adamantly refused to do so. For these and other reasons, the members of the West University Neighborhood Association request that this proposal be rejected in its present form. We feel that if such an inappropriate structure is forced upon this historic neighborhood, who knows what might happen to our neighborhood in the future. Thank you.”

Annette Campbell, a resident one block north of the proposed project, said the buildings north of the location were not taller than three stories. She stated most of the El Presidio neighborhood was not taller than three stories. She noted there was a big division between the lot and the high rises. She said there was five lanes of traffic on Alameda that divide that space. She wanted to support the project and said Bob Vint did a great job; however, she opposed the height stating it was too high for the location. She said location should be reserved for something more conservative.

Ms. Campbell would like to see the Mayor and Council work out a compromise so everyone would be happy with the development. She stated the lot was vacant for a long time and everyone would like to see it developed. She said there should be special consideration of the historic district as well as the historic landscape and streetscape. She said it was important in order to bring tourists to the downtown area. She noted the downtown tourists dollars were a pretty good income for Tucson and she believed people spent their time walking around the streets of the El Presidio.

Don Martin said that last week the State Legislature committed over half a billion dollars to the downtown revitalization. It was not about seven stories but about seven votes. He said the downtown revitalization had to be for density and for height. He said the State Legislature did what they had to do. A message needed to be sent to the State Legislators, the private sector, and to the community that the City’s leadership was one hundred percent committed to the downtown revitalization.

David Burckhalter, a thirty-year El Presidio resident, said he wanted to keep in tact the special, historical ambience and tranquility of Tucson’s first neighborhood. He said the proposed project pushed aside City ordinances with regards to building height and housing density. The projected high volume increase in traffic would simply and finally destroy Tucson’s most unique neighborhood. He said the easy going atmosphere would

be lost to the high rise plans of the developer. He believed one high rise would lead to another. He strongly protested the proposed project. He said Bob Vint was a personal friend of his and thought the building would be beautiful, but should be built on the other side of the river.

John Foster, a thirty-five year resident of Tucson, strongly supported the proposed project. He hoped to be a future homeowner downtown although up to this point there was no opportunity. He said he was a young businessman and stated it would cost him approximately five to seven hundred thousand dollars to live in the foothills. He would like to live downtown and saw the proposed project as an opportunity to do that. He wanted to live in a place with great amenities and location that would serve both he and his family. He said he did not have the opportunity to own a home on Snob Hollow. The proposed project would give him the opportunity to leave the County and move downtown to live in the City.

Marcia Adams, a resident of Granada Place Subdivision just north of Lot 7, stated the subdivision was also an in-fill project created from the La Entrada Plan over twenty years ago. She said she understood the new development in the downtown area did not want the low-density unobtrusive homes that the subdivision currently creates. She said their subdivision was created with affordable housing. She did not protest the development for Lot 7, but protested the intensity of the development.

Stacy Foster, a two-year resident of Tucson, said she loved the City due to the history. She was in favor of the proposed project because of its historical support. She fully and completely agreed with the other supporters.

Joyce Tracy spoke in opposition of the proposed project for reasons previously stated. She was against the plan not only for the El Presidio neighborhood but for the success of the City Council and for the success of downtown development. She was a twenty-two year resident and looked forward to the development of Lot 7. She said the City was using Paseo Redondo as a precedent. She said the *La Entrada Plan* was written by neighbors, soon after her arrival, to keep high rise shadows away from the oldest neighborhood in Tucson. She stated if Tucson development were to succeed, the unique face of the City should not be destroyed. She said she worked at the Museum of Art and that downtown and the neighborhood was a destination.

Lori Foster, a City resident, spoke in support of the proposed project. She agreed with everyone in support of the project. She pointed out the in-fill needed work and the deserts needed protection and preservation.

Beryl Baker spoke in opposition of the variances of the proposed project. She noted the Snob Hollow area, in the past, was developed with the character of the area in mind. She listened to the citizens who lived near the proposed development. She said they were not against a putting something in that spot; however, they stated their concerns were not being addressed. She mentioned a few concerns such as the project being a high rise that benefits developers and that it required plan amendment. She said

the project does not fulfill the vision of Rio Nuevo. She said the proposed project would set the standards for other transitional zones. She stated developers would ask for variances instead of trying to blend in with Snob Hollow.

Ms. Baker said there was not sufficient parking provided and the proposed building would not blend in with the old buildings on Main Street. The project did not take into account how it affects owners immediately adjacent to other areas socially and aesthetically as well as the possible structural damage. She stated Alameda should be a line of division for the historical area. She was concerned with maintaining the old historical rock wall and with the lack of setbacks. She mentioned that in the neighborhood she formerly resided, walls were removed and citizens requested them back. She said they were rebuilt without the skill that was used in the past. She stated it was illogical to destroy history while preserving it. She said the variance appeared to be the City giving away the history, beauty and tradition to dollars. She thought the developers should stay within the La Entrada Plan and produce a project that would benefit the neighborhood, citizens at large, and the City as a whole.

Joe Foster, a City resident, spoke in support of the proposed project. He saw the excitement of the generations to come and the development that would be possible in downtown Tucson to bring the scale of living up while still preserving the existing homes and spaces. He said it was not a project trying to tear down historical homes or take existing spaces, but that it was a parking lot behind a water building. He again expressed his support.

Mayor Walkup asked for a motion to close the public hearing.

It was moved by Council Member Trasoff, duly seconded, and carried by a voice vote of 7 to 0 to close the public hearing.

Mayor Walkup asked the City Clerk to read Ordinance 10301 by number and title only.

Ordinance No. 10301 relating to zoning: amending zoning district boundaries in the area located on the north and east portion of the block bounded by Granada Avenue on the west, Paseo Redondo on the north, Main Avenue on the east and Alameda Street on the south in Case C9-06-08, Presidio Terrace – Paseo Redondo, by amending a portion of the *La Entrada Planned Area Development* (PAD-2); and setting an effective date.

It was moved by Council Member Ibarra, duly seconded, to approve Rezoning Case C9-06-08, El Predio Terrace/Paseo Redondo as recommended by the Zoning Examiner and pass and adopt Ordinance 10301.

Mayor Walkup asked if there were any further discussions. Hearing none, he asked for a roll call vote.

Ms. Detrick announced the adoption of the ordinance would require six votes of the Mayor and Council.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott, and Trasoff;
Vice Mayor Leal and Mayor Walkup

Nay: None

Ordinance 10301 was declared passed and adopted by a roll call vote of 7 to 0.

RECESS: 8:01 p.m.

RECONVENE: 8:09 p.m.

The meeting was called to order by Mayor Walkup and upon roll call, those present and absent were:

José J. Ibarra	Council Member Ward 1
Carol W. West	Council Member Ward 2
Karin Uhlich	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Nina J. Trasoff	Council Member Ward 6 (Arrived at 8:11)
Robert E. Walkup	Mayor

Absent/Excused:

Steve Leal

Vice-Mayor, Council Member Ward 5

11. ZONING: (C15-05-05) ESTABLISHING ORIGINAL CITY ZONING FOR THE MELPOMENE/22ND STREET ANNEXATION DISTRICT, COUNTY SR TO CITY SR, EXTENSION OF ENVIRONMENTAL RESOURCE ZONE, AND THE MAJOR STREETS AND ROUTES PLAN, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION

Mayor Walkup announced City Manager's communication number 333, dated June 27, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10296 by number and title only.

Ms. Detrick noted for the record that Council Member Trasoff was present.

Ordinance 10296 relating to zoning; establishing original City zoning for approximately 43 acres generally located at the southwest corner of Melpomene Way and 22nd Street, which was annexed to the City of Tucson by Ordinance No. 10222, adopted on December 13, 2005; and setting an effective date.

It was moved by Council Member Scott, duly seconded, to approve the request for zoning, as recommended by the Zoning Examiner, and pass and adopt Ordinance 10296.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;
and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Leal

Ordinance 10296 was declared passed and adopted by a roll call vote of 6 to 0.

12. ZONING: (C9-05-31) OLDOOZ DEVELOPMENT – MELPOMENE WAY, SR TO RX-2, CITY MANAGER’S REPORT

Mayor Walkup announced City Manager’s communication number 344, dated June 27, 2006, would be received into and made a part of the record. He also announced this was a request to rezone property located on the west side of Melpomene Way, south of 22nd Street. He stated the Zoning Examiner and Development Services recommended approval subject to certain conditions.

Mayor Walkup asked if the applicant was present. He asked the applicant to please state their name and address for the record and asked if they had any comments before continuing.

Carl Winters, a representative, stated he was agreeable to all the conditions.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused) to authorize the request for rezoning as recommended by the Zoning Examiner.

13. FINANCE: FIXING AND LEVYING THE PRIMARY AND SECONDARY PROPERTY TAXES FOR FISCAL YEAR 2007

Mayor Walkup announced City Manager’s communication number 345, dated June 27, 2006, would be received into and made a part of the record. He asked the City Clerk to read Ordinance 10297 by number and title only.

Ordinance No. 10297 relating to taxation; fixing, levying, and assessing primary and secondary property taxes for the City of Tucson upon the assessed valuation of the

property within the City of Tucson subject to taxation, each in a certain sum upon each One Hundred Dollars of valuation, sufficient to raise the amount estimated to be required in the annual budget, less the amounts estimated to be received from other sources of revenue and unencumbered balances from the previous fiscal year; providing funds for various purposes, all for the fiscal year ending June 30, 2007; and declaring an emergency.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinance 10297.

Council Member Trasoff clarified that the Ordinance was not a tax increase, but merely an action of the tax rate which would decrease. She stated property values increased and the Council hit a ceiling which required them to pass the motion. She reiterated that the motion was not a tax increase.

Mayor Walkup asked if there was any further discussion. Hearing none, he asked for a roll call vote.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;
and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Leal

Ordinance 10297 was declared passed and adopted by a roll call vote of 6 to 0.

14. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Walkup announced City Manager's communication number 330, dated June 27, 2006, would be received into and made a part of the record. He asked for a motion to approve the appointment in the report.

It was moved by moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Absent/Excused Vice Mayor Leal) to appoint Aaron Possein to the Veterans' Affairs Committee as a representative of the Order of the Silver Rose.

Mayor Walkup asked if there were any personal appointments to be made. There were none.

15. RECONSIDERATION OF ORDINANCES 10290, 10292, 10294, 10295 AND RESOLUTIONS 20360, 20361, 20362, 20363, 20364, 20365, 20366, 20367, 20368, 20369, 20370 AND 20371

Mayor Walkup announced City Manager's communication number 354, dated June 27, 2006, would be received into and made a part of the record.

Council Member Scott asked if the Ordinances and Resolutions could be voted on all at once.

Kathleen S. Detrick, City Clerk, stated the Ordinances and Resolutions may be voted on all at once, however, she stated what was needed first was a motion to reconsider the items which were adopted at the June 20, 2006 meeting. She said they were being reconsidered in order to effectuate an earlier date.

It was moved by Council Member Scott, duly seconded, and carried by a voice vote of 6 to 0 (Vice Mayor Leal absent/excused) to reconsider Ordinances 10290, 10292, 10294, 10295 and Resolutions 20360, 20361, 20362, 20363, 20364, 20365, 20366, 20367, 20368, 20369, 20370 and 20371 to enable an earlier effective date.

Council Member West stated her copy of Resolution 20360 was listed as 10360.

Ms. Detrick apologized for the error. She stated her copy reflected the Resolution as 20360.

It was moved by Council Member Trasoff, duly seconded, to pass and adopt Ordinances 10290, 10292, 10294, 10295 and Resolutions 20360, 20361, 20362, 20363, 20364, 20365, 20366, 20367, 20368, 20369, 20370 and 20371, according to the City Clerk's record.

Upon roll call, the results were:

Aye: Council Members Ibarra, West, Uhlich, Scott and Trasoff;
and Mayor Walkup

Nay: None

Absent/Excused: Vice Mayor Leal

Ordinances 10290, 10292, 10294, 10295 and Resolutions 20360, 20361, 20362, 20363, 20364, 20365, 20366, 20367, 20368, 20369, 20370 and 20371 were declared passed and adopted by a roll call vote of 6 to 0.

16. ADJOURNMENT 8:16 p.m.

Mayor Walkup announced the Council would stand adjourned until its next regularly scheduled meeting to be held on Thursday, July 6, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 27th day of June 2006, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

KSD: mrf/njs